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OFFICE OF PETITIONS

Applicant: Ruan
Appl. No.: 10/821,987
Filing Date: April 12, 2004
Title: HAND LEVER FOR A BINDING MACHINE
Pub. No.: US 2005/0211959 A1
Pub. Date: September 29, 2005

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), filed on February 8, 2006 and supplemented on October 13, 2006, for the above-identified application

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication contains a material error, as the patent application publication does not include the drawings filed with the application.

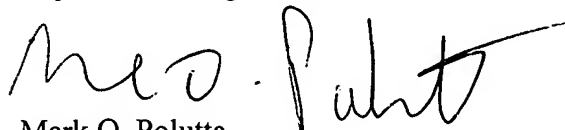
37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on February 8, 2006, was not timely filed under 37 CFR 1.221(b).

Due to the nature of the errors in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

A handwritten signature in black ink, appearing to read "Mark O. Polutta", with a long horizontal stroke extending from the end of the name.

Mark O. Polutta
Senior Legal Advisor
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Office of the Deputy Commissioner
for Patent Examination Policy